

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1207**

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**Introduced by Assembly Member Logue**

February 27, 2009

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An act to ~~repeal~~ *amend* Section 68130.5 of the Education Code, relating to student tuition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Logue. Exemption from nonresident student tuition.

Existing law exempts a student, other than a nonimmigrant alien, as defined, from paying nonresident tuition at the California State University and the California Community Colleges if certain requirements are met. Those requirements include that the person has attended high school in California for 3 or more years, has graduated from a California high school or has attained the equivalent thereof, has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and, if the person is without lawful immigration status, has filed a certain affidavit. Existing law authorizes a community college district, for apportionment purposes, to report a student who is exempt from nonresident tuition under these provisions as a full-time student.

~~This bill would repeal these provisions:~~

*This bill would require a person who otherwise meets the existing eligibility requirements for resident tuition, but who is without lawful immigration status, to pay nonresident tuition until he or she obtains lawful immigration status.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 68130.5 of the Education Code is amended  
2     to read:  
3     68130.5. Notwithstanding any other provision of law:  
4     (a) A student, other than a nonimmigrant alien within the  
5     meaning of paragraph (15) of subsection (a) of Section 1101 of  
6     Title 8 of the United States Code, who meets all of the following  
7     requirements shall be exempt from paying nonresident tuition at  
8     the California State University and the California Community  
9     Colleges:  
10    (1) High school attendance in California for three or more years.  
11    (2) Graduation from a California high school or attainment of  
12    the equivalent thereof.  
13    (3) Registration as an entering student at, or current enrollment  
14    at, an accredited institution of higher education in California not  
15    earlier than the fall semester or quarter of the 2001–02 academic  
16    year.  
17    ~~(4) In the case of a person~~  
18    ~~(b) A person who otherwise meets the requirements of~~  
19    ~~subdivision (a) who is without lawful immigration status, the filing~~  
20    ~~of an affidavit with the institution of higher education stating that~~  
21    ~~the student has filed an application to legalize his or her~~  
22    ~~immigration status, or will file an application as soon as he or she~~  
23    ~~is eligible to do so shall pay nonresident tuition until he or she~~  
24    ~~obtains lawful immigration status.~~  
25    ~~(b)~~  
26    (c) A student exempt from nonresident tuition under this section  
27    may be reported by a community college district as a full-time  
28    equivalent student for apportionment purposes.  
29    ~~(e)~~  
30    (d) The Board of Governors of the California Community  
31    Colleges and the Trustees of the California State University shall  
32    prescribe rules and regulations for the implementation of this  
33    section.  
34    ~~(d)~~

1     (e) Student information obtained in the implementation of this  
2     section is confidential.  
3     ~~SECTION 1. Section 68130.5 of the Education Code is~~  
4     ~~repealed.~~

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